

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
HELENA DIVISION

BONDARY McCALL,
REG. #43827-019

PLAINTIFF

v.

2:07CV00106 JMM/HDY

T.C. OUTLAW

DEFENDANT

MEMORANDUM AND ORDER

On August 21, 2007, this Court entered an Order directing plaintiff to pay the \$350 filing fee or file an application to proceed in forma pauperis within thirty days of the date of the Order (DE #3). The Court further advised plaintiff that failure to file such in accordance with the Court's directions would result in the dismissal without prejudice of his complaint. Although plaintiff filed several motions and an amended complaint, he did not comply with the August 21, 2007 Order. On September 18, 2007, the Court again issued an Order directing plaintiff to submit the filing fee or an in forma pauperis application within ten days (DE #9). The Court also again advised plaintiff that failure to file such would result in the dismissal of his complaint. As of this date, plaintiff has not paid the filing fee or filed an application to proceed in forma pauperis, or otherwise corresponded with this Court.

Rule LR5.5(c)(2) of the Rules of the United States District Courts for the Eastern and Western Districts of Arkansas provides as follows:

It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case and to prosecute or defend the action diligently If any communication from the Court to a pro se plaintiff is not responded to within thirty (30) days, the case may be

dismissed without prejudice. . . .

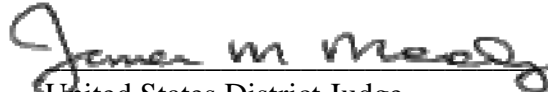
In light of plaintiff's failure to respond to this Court's August 21, 2007 and September 18, 2007 Orders, the Court will dismiss the complaint without prejudice. Accordingly,

IT IS, THEREFORE, ORDERED that this complaint is DISMISSED without prejudice.

IT IS FURTHER ORDERED that pursuant to 28 U.S.C. § 1915(a)(3) the Court certifies that an in forma pauperis appeal from this Order would not be in good faith.

An appropriate Judgment shall accompany this Memorandum and Order.

IT IS SO ORDERED this 22 day of October, 2007.


United States District Judge